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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,947	11/14/2003	Thomas J. Nelson	WIL-41127-70	7422

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WILSONART INTERNATIONAL, INC.
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ALEXANDRIA, VA 22314

EXAMINER

GILBERT, WILLIAM V

ART UNIT	PAPER NUMBER
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3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/706,947	Applicant(s) NELSON, THOMAS J.	
	Examiner William V. Gilbert	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/12/07; 04/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a First Action on the Merits. Claims 1-26 are pending. Claims 1-7 and 16-20 are examined below. Claims 8-15 and 21-26 are withdrawn from consideration for reasons set forth below.

Election/Restrictions

1. Applicant's election without traverse of Claim 12 in the reply filed on 26 February 2007 is acknowledged.

Claims 8-15 and 21-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. In response dated 26 February 2007, Applicant elected Species I with corresponding Figures 1-5. Independent Claims 8 and 21, however, refer to Species II. See Claim 8, lines 3-6 where the panel has a first and second connecting members that are different and providing different resistances; see Claim 21, lines 5-7 where the long edges have integral connecting members that engage and, line 8 where a distinct connector couples the first and second short edges. Claims 9-15 and 22-26 depend from Claims 8 and 21 respectively.

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Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (U.S. Patent No. 6,230,328).

In regards to this prior art, the Examiner is aware that the same inventor in the prior art is the same as the Applicant in the application at bar. Further, the Examiner is aware that this application is a continuation in part with a parent filing date of 08 November 1999. The new matter entered in the continuation, however, is the "footing member", Claim 1, line 4. The Examiner did not find this present in any of the parent applications. The filing date for this new matter, and therefore Claims 1-7, is 14 November 2003.

Claim 1: Nelson discloses a connector (Fig. 2: 2, 5) comprising a longitudinally extending body (2) with a base (2) and a projection (51) extending from the base, the base includes a top surface and a bottom surface and at least one footing

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member (proximate 2) extending downwardly from the bottom of the base. The phrase, "shaped and dimensioned...connector and panels" lines 5-7, is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 2: the projections (51) extend vertically from the base and have top, bottom, left and right portions. The phrase, "for insertion...connected" line 3, is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 3: two protrusions (Fig. 4: at the top surface of both the left and right portions of the base, 2), the protrusions are spaced from the projection and located on either side of the projection.

Claim 4: first and second footing members (Fig. 2: each extension at bottom of the base, 2, is a footing member), respectively positioned beneath the protrusion.

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Claim 5: the protrusions extend the length of the connector.

Claim 6: a third footing member (see Claim 4 rejection, above for rationale).

Claim 7: a recess (the space between the footing members) is between the first and third footing members and the second and third footing members.

Claims 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Perry (U.S. Patent No. 3,614,915).

Claim 16: Perry discloses a disengageable connector (Fig. 7) having a connector body with a base (65) and a projection (64') extending from the base where the projection extends beyond the base to form an outwardly extending ear (62).

Claim 17: the projection has a top and bottom portion and right and left halves (63, 64' respectively) for insertion into edges of adjacent panels to be connected (Fig. 5).

Claim 18: the base has a bottom surface (65) and a footing member (Fig. 7: 66) extending down from the bottom surface of the base. The phrase "shaped and dimensioned ...flooring panels" lines 3 and 4 is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably

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distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 19: two protrusions (69 on each side) extend vertically from the base and spaced apart from the projection and located on either side of the projection beyond a lateral extent of the extensions.

Allowable Subject Matter

3. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20: the prior art of record does not disclose each protrusion extending beyond the longitudinal extent of the base to form a locking tab.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howard (U.S. Patent No. 5,042,214); McCue (U.S. Patent No. 4,808,451).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William

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V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571.272.6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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